

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EDWARD MAX LEWIS,

Plaintiff,

OPINION AND ORDER

v.

14-cv-446-wmc

GEORGE STAMPER, *et al.*,

Defendants.

Plaintiff Edward Max Lewis is proceeding against defendants Lesli Hrouda, George Stamper, the League of Wisconsin Municipalities, Donald Stonefeld, and Betty Thunder on claims that they violated his constitutional, statutory and state law rights. More specifically, while Lewis was incarcerated in the Forest County Jail from October 26, 2003, and June 28, 2004, he claims defendants failed to provide adequate medical and mental health treatment, as well as subjected him to inhumane conditions of confinement. Following Lewis's recent retention of counsel, the court held a telephonic status conference with the parties on May 16, 2018.

During that hearing, the court addressed four issues with the parties. First, Andrew Smith, counsel for defendants Lesli Hrouda, George Stamper and the League of Wisconsin Municipalities, confirmed that Lewis has finally authorized the release of his medical records, and defendants have been in the process of working with the state penal institutions that possess his medical records to obtain those materials. While the records appear voluminous, Smith believes he will now be able to obtain these materials without court intervention.

Second, rather than reset all deadlines at this point, the parties will submit briefing,

proposed findings of fact and supporting evidence with respect to Lewis's claim that the applicable statute of limitations was tolled for a significant period of time due to his mental incapacity. Accordingly, the court set briefing deadlines, as provided below, and will then set this matter for another scheduling teleconference as necessary.

Third, Smith's counsel raised a discovery issue with respect to Lewis's alleged incapacity. Apparently Lewis went through a competency evaluation before the criminal matter related to his time spent in the Forest County Jail, *State of Wisconsin v. Lewis*, Forest County Case No. 2003CF000127. Counsel further explained that the competency evaluation and findings are filed under seal. As that evaluation may bear on Lewis's tolling defense, the court directed plaintiff's counsel to contact the Forest County Circuit Court about obtaining the evaluation and advise the court as to its availability within the deadlines set forth below.

Fourth, the court directly addressed *pro se* defendant Betty Thunder to confirm that she intends to join in any dispositive motion filed by the other defendants in this matter. Having confirmed that is her intent, the court will assume going forward that Thunder is joining in any dispositive motions filed by defendants, unless she advises the court formally that she does not wish to join the pending motion.

ORDER

IT IS ORDERED that:

1. Plaintiff Edward Max Lewis's deadline to file his opening brief, proposed findings of fact and supporting evidence in support of his claim that his mental

incapacity tolled the applicable statute of limitations is **July 26, 2018**. Defendants' deadline to file their brief, respond to plaintiff's proposed findings of facts, submit their own proposed findings of fact and supporting evidence is **August 13, 2018**. Plaintiff's reply is due **August 22, 2018**.

2. Counsel for plaintiff is also DIRECTED to contact the Forest County Circuit Court to obtain the competency evaluation as to Lewis, as described in Forest County Case No. 2003CF000127, within **14 days of the date of this order**. Counsel for plaintiff is further DIRECTED to advise the court as to the availability of that competency evaluation within **21 days of the date of this order**.

Entered this 17th day of May, 2018.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge